

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1 and 3-5 remain in this application. Claim 2 has been cancelled. Claim 5 has been added. The indication that claims 2 and 3 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim, is acknowledged with appreciation. Claim 5 is claim 2 rewritten in independent form. Claim 3 has been amended to depend from claim 5. Claims 3 and 5 should be allowable.

Claim 1 has been rejected under 35 USC §102(b) as being anticipated by Hill (US 5,813,696). Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983), cert. denied 469 U.S. 851 (1984). Additionally, the single prior art reference must disclose each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention". Scripps Clinic & Research Foundation v. Genentech Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). "The identical invention must be shown in as complete detail as is contained in the ... claim".

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9

U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The office action stated on page 2 that the patent to Hill discloses that the connection between the front wall and the back wall is severed by unfolding of the side walls. It is respectfully submitted that the connection in Hill is not severed by unfolding of the side walls.

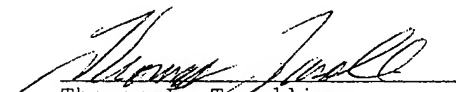
The patent to Hill discloses a tether connected between the front wall and rear side of the gas bag which is severed by the front wall at a point of time when the tensile load on the front wall 42 exceeds a predetermined threshold value (Hill, column 3, lines 30-33). Please note that the side walls of the air bag in no way interact with the tether or cause it to be severed. Accordingly, the tether is not severed by unfolding of the side walls. Claim 1 should be allowable because the patent to Hill does not disclose each and every element of the claimed invention as recited in claim 1 required to constitute anticipation.

In addition, new claim 4 defines over the patent to Hill. The patent to Hill does not show an air bag in which the front wall and the back wall are connected to each other by means of a detachable connection such that the front wall cannot separate from the back wall. Also, the patent to Hill does not disclose an air bag in which the connection between the front side and the rear side of the air bag is severed as a consequence of unfolding of the side wall. Thus, claim 4 should be allowed.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

  
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